

**Saint Regis Mohawk Tribe  
Land Acquisition and Sales  
Best Practices**

**I. LAND PURCHASES**

**A. Purpose**

The purpose of Tribal land acquisition is to regain, in current Reservation status or Reservation Trust status, all lands within the exterior boundaries of the Saint Regis Mohawk Indian Reservation; that every effort be made to expand the land base of the Saint Regis Mohawk Tribe; that such lands be under the exclusive jurisdiction and sovereign authority of the Saint Regis Mohawk Tribe; and that all lands under the jurisdiction and sovereign authority of the Tribe be managed in such a way that preserves and promotes the long term interest of the Saint Regis Mohawk Tribe.

All acquired lands shall be utilized for the mutual benefit of the Saint Regis Mohawk Tribe and its members.

**B. Environmental Review**

The environmental review process is a step-by-step process of gathering information concerning the possible impacts to the community and the environment. The process, if followed objectively and thoroughly, will reveal any problems that might be associated with a development and identify actions to eliminate or minimize potential problems. Further, Akwesasne is unique and consists of cultural resources that have survived countless efforts at elimination and they are deserving of our protection and care. Development can proceed and remain in harmony with the cultural values passed on to us by our ancestors, but it requires forethought and effort.

These same policies apply to the Tribe's acquisition of land, whether on or off the current Reservation. Therefore, in furtherance of these policies, a Phase I Environmental Assessment (EA) of the property to be purchased should be conducted. A Phase I EA is a thorough record search for indicia of any contamination or similar environmental issues. If such indicia exist, the Tribe shall proceed to a Phase II EA for the purpose of understanding how the existing conditions can be re-mediated and at approximately what cost. The Saint Regis Mohawk Tribe Environment Division and Tribal Law should be the primary authorities to conduct the review, but the use of state and federal procedures may also be necessary.

**C. Determination of Sale Price**

The Tribe should obtain two appraisals for property to be purchased. It is preferred but not required that one appraisal be provided by the Seller and one be provided by the Tribe as Buyer. In any case, the Tribe should at least obtain and review two separate and independent appraisals of the property to be purchased. This information may then be used to establish the sale price.

Further, in accordance with the Tribe's Native Preference Policy, the Tribe reserves the right to pay a maximum of 10% above the appraised value when the Seller is a member of the Tribe.

**D. Clear Title Requirement**

An abstract of title should be prepared, either on individual parcels if the acquisition is to be an assemblage or on the larger parcel. A title review should be conducted either by a competent title attorney or by a competent title insurance issuer to identify any issues affecting marketability of title. It shall be incumbent upon the Seller to provide good and marketable title for the property at issue.

**E. Tribal Historic Preservation Office**

The Tribal Historic Preservation Officer shall conduct a review of the parcel to be purchased.

**F. Closing Period**

There should be a closing period of a sufficient length to ensure that all issues pertaining to the sale are resolved or mitigated to the satisfaction of the Tribe.

**G. Notice**

All Tribal members will be given notice of any Tribal purchases of land and will be given an opportunity to comment on the transaction prior to closing.

**H. Recording of Deed**

All deeds issued for Tribal purchases shall be recorded in the Tribal Clerk's office. If the purchase is of property not currently part of the Reservation, it shall also be recorded in appropriate County Clerk's office.

**II. LAND SALES**

**A. Persons to Whom Land Sales can be made**

All persons interested in purchasing land must make a written and dated request to the Tribal Council setting forth the name and address of the person interested in purchasing the land, sufficient information to show that the applicant meets all of the requirements set forth herein, and as accurate a description of the land as circumstances will permit.

All persons wishing to purchase land from the Tribe shall meet the following qualifications:

1. Be an enrolled member of the Tribe.
2. Be at least eighteen (18) years of age as of the date of sale.

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3. Be legally competent to manage the land and his/her personal business affairs.

All persons wishing to purchase land from the Tribe shall agree to abide by the following:

1. Assigned premises shall not be used for unlawful purposes.
2. Purchase shall not create a public nuisance, allowing conditions to exist which would endanger life or the property of another person.
3. Unauthorized destruction or damage to any land, resources, or any continuing public threat to health or safety.
4. Purchaser will comply with all Tribal Laws and Regulations.

### **B. Sale Price**

All sales of land by the Tribe shall be for the fair reservation market value of the property.

### **C. Disclosure**

The Tribe as Seller shall disclose the existence of any known environmental concerns.

### **D. Notice to Programs and Department**

Prior to acceptance of an offer for purchase, the Tribe as Seller shall give notice to programs and departments to see if any of the them have a need for the property to be sold. If no program or department indicates a need for the property, then the sale can proceed.

### **E. Notice to Community**

All Tribal members will be given notice of any Tribal sales of land and will be given an opportunity to comment on the transaction.

### **F. Issuance and Recording of Deed**

All deeds issued for Tribal purchases shall be recorded in the Tribal Clerk's office. If the purchase is of property not currently part of the Reservation, it shall also be recorded in appropriate County Clerk's office.